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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/347,427 07/06/99 CLARK

R M3477.0000/F

EXAMINER

IMS2/0910

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VARGOT, M

ART UNIT

PAPER NUMBER

14

1732  
DATE MAILED:

09/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No.  
09/347,427

Applicant(s)

RAUSEO et al.

Examiner

M.VAR60T

Group Art Unit

1732

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

Responsive to communication(s) filed on 8/27/01.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

Claim(s) 1-20 is/are pending in the application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-20 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

### Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892

Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948

Other \_\_\_\_\_

## Office Action Summary

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 6, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishida et al.

Ishida et al discloses the instant mold apparatus and method of making molded optical elements using a first mold unit for defining mold cavities and flow passageways (3a) and a second mold unit (3b) having the instant integrated mold surface for sealing against the first mold unit, the mold surface containing a plurality of patterns (ie, the lens forming cavities) for molding optical patterns in the optical elements. Ie, it is submitted that the instant "patterns" is broad enough to encompass the formation of the lens surfaces themselves. The mechanism for moving the mold units is submitted to be inherent in the operation of the device--otherwise, the product could not be removed and a new molding cycle started. The second mold unit (3b) of Ishida et al constitutes the instant "single flat metal puck" as set forth in instant claim 6 and the "single metal puck with a plurality of optical patterns" a recited in method claim 10.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 7, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishida et al.

Ishida et al discloses the basic claimed apparatus and method as set forth in paragraph 1, supra, lacking essentially the aspects of the mold units being separable to allow for the substitution of other mold parts to make different products. It is nothing but conventional in this art to use molds in such a manner and such would have been an obvious feature in Ishida et al for increased flexibility in the molding process.

3. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishida et al in view of Hambright (see column 4, lines 40-50).

Ishida et al is applied for reasons of record, lacking essentially the formation of microrefractive and diffractive patterns in the optical elements. Hambright discloses forming lenses with the instant patterns and such would have been an obvious modification to the mold of Ishida et al to form the desired variety of optical elements.

4. Claims 3, 12-14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishida et al in view of Pinsonneault (see col. 3, lines 30-32).

Ishida et al is applied for reasons of record, teaching the basic claimed apparatus and method lacking essentially the use of mold pins to define the thickness of the mold cavities. Pinsonneault (44 in the figures) teaches similar mold pins which define injection molding cavities and such would have been an obvious feature in Ishida et al to facilitate the formation of the mold cavities.

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5. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishida et al in view of Pinsonneault and Hambright.

Ishida et al and Pinsonneault are applied for reasons of record, teaching the basic claimed method lacking essentially how the patterns are formed. While claim 17 does not recite exactly what these patterns comprise (and indeed neither do any of claims 18-20), Hambright is applied to show the use of masking and lithographic techniques (col. 3, lines 31 and 32) to make diffractive patterns. Again, since Hambright discloses (col. 4, lines 40-50) making these patterns in lenses, it would have been obvious to one of ordinary skill in the art to modify the method of Ishida et al as taught by Hambright to form the more complex optical elements needed in today's society.

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

In view of the new grounds of rejection, comments directed to Maus are now not in point. Newly applied Ishida et al clearly shows the formation of a single metal puck (ie, mold 3b) which spans a plurality of mold cavities and the instant patterns as broadly claimed are readable on the lenses formed in Ishida et al. At any rate, Ishida et al in combination with Hambright certainly renders the formation of diffractive or microrefractive patterns on the molded lenses of Ishida et al as obvious for reasons noted in the rejection supra--ie, see Hambright, column 4, lines 40-50.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Vargot whose telephone number is (703) 308-2621.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

M. Vargot

September 6, 2001

*M. Vargot*  
MATHIEU D. VARGOT  
PRIMARY EXAMINER  
GROUP 1300

*9/6/01*